FOR MYSORE STATE

Home (1953) Department.

R SERIES.

G.O. NO. 1115

Dated 1-4-1953.

Passed

[Despatch Abstract.]

BEFORE THE GOVERNMENT OF MADRAS. (The Department)

VAKALAT

In the Court of the

No. 195

Messrs. Netravati Flotilla Co. Ltd. Petitioner.
I/We Bunder, Mangalore

Represented by its Managing Agents, The General Transport Syndicate.

Versus

Central Road Traffic Board, Madras. Respondent (1)
Sri.L.Shom Bhat, Kodri, Mangalore Respondent (2)
Messrs. Mangalore Automobiles Ltd., Mangalore. Respondent (3)

We, Netravati Flotilla Company, Limited

do hereby appoint and retain L.J.A. Menezes Vakil/Advocate to appear for me/us in the above matter and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I/we empower my/our Vakil/Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or matter.

In witness whereof, I/we have hereunto set my/our hand this day of 195

For THE NETRAVATI FLOTILLA CO LTD.,
For THE GENERAL TRANSPORT SYNDICATE,

Partner / Manager.

Date 195

Vakil/Advocate.

L. J. A. Menezes Advocate
117 Armenian St, G. T. Madras 3.2.53.

The address for service of the said Vakil/Advocate is 117. Armenian Street. G.T.MADRAS.

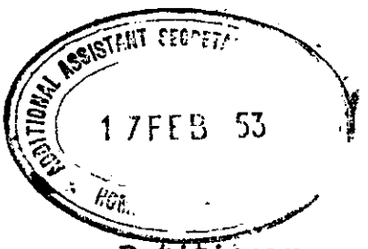
Mangalore.

Signed before me by the executant this day of 195, the contents hereof having been read over to the executant in and admitted to be correct.

BEFORE THE GOVERNMENT OF MADRAS.

(Home Department)

(Under M.V.Act)



Messrs. Notravati Flotilla Co., Ltd.,
Bundar, Mangalore-1 Petitioner.

Represented by its Managing Agents
The Central Transport Syndicate.

Versus.

1. Central Road Traffic Board, Madras. Respondent (1)

2. Sri M. Sham Bhat, Kadri, Mangalore. Respondent (2)

3. M/S. Mangalore Automobiles Ltd.,Mangalore Respondent (3)

Memorandum of Grounds of Revision

Under Sec.64(A) M.V.Act.

The petitioners beg to present this Memorandum of Grounds of Revision against the order of the C.R.T.B., the first Respondent herein, in proceedings No. 59144/A1/52 dated 10-1-53 in Item 4, confirming the grant by the R.T.A. South Kanara, of a stage carriage permit to the second Respondent, on the route Hampankatta to Leevell via North Maidan etc. for the following among other grounds:-

1. The order of the C.R.T.B. is in violation of the established policy of Government and is contrary to the facts of the case and is against all principles of justice and equity.

2. The C.R.T.B. ought not to have preferred the Second Respondent who is a rich fleet operator possessing nine stage-carriage permits and seventeen goods vehicle permits, as against the petitioners, who possess just three unremunerative stage-carriage permits.

3. The C.R.T.B. ought to have applied its mind and ought to have given due weight to the fact that the Petitioners have been running their buses at a loss and that the routes to their credit are entirely unprofitable. In fact the audited balance sheet for the year ending 30-6-51 shows a net loss of Rs. 14,000/- (fourteen thousands) and for the year ending 30-6-52 the loss is about Rs. 40,000/- (forty thousands). The total accumulated loss is found to exceed the subscribed capital. On the other hand the second Respondent has been enjoying most lucrative and solid return, as he possesses routes which are highly remunerative. This aspect which is vital to the issue has not been considered at all by the C.R.T.B.

4. The C.R.T.B. ought to have borne in mind the observations of Government that a complement of three buses cannot prove remunerative to an operator; and that the minimum to bring in a fair return should be at five route permits. Considered in this light the petitioners claim for the permit should have been accepted and the grant ought to have been made in their favour, particularly as the Petitioners possess only three route permits and are running their buses at a loss.

5. The C.R.T.B. in granting the permit to the Respondent has set at naught the established principle of Government, not to encourage monopolies. The second Respondent besides having nine stage carriage permits and seventeen public carrier permits, is also a member of the Combined agencies which is a combination of huge fleet operators: and he pools his collections with that of the other members of the said combined agency, and thus the Second Respondent controls the entire trade and holds a grip on the motor industry to the detriment of the small operators and against the larger interests of the public.

P. M. Andrades

Petitioner

6. The consequence of allowing large scale monopolies to control the transport services was singulary felt in the year 1949 when there was a huge strike of motor workers in the District. All the buses belonging to the big monopolised operators went off the road. The Petitioners were the only operators that were able successfully to ply their bus in those critical times. The C.R.T.B. refused to appreciate this aspect. And instead, it granted the permit to the Second Respondent as an addition to his long chain of permits.

7. The reasons advanced by the C.R.T.B. for preferring the Second Respondent as against the Petitioners are entirely unsound. Both on the ground of efficiency and public interests the Petitioners ought to have been granted the permit. It was brought to the notice of the C.R.T.B. that the route of this permit lies alongside the residences and places of business of five of the Directors of the Petitioners Company. The Petitioners have their Registered Office very close to this route at Nellikai Road where the bus turns from North Maidan Road to Imperial Bank. Between St. Ann's Convent, a little further and Hoige Bazar a road by a few yards branches off to west to the River where the Petitioners' Company have the ferry service and will be ~~xxx~~ in a better position to give connection to their launches. With this purpose ~~in~~ view this route was applied to be declared, in a Memorial addressed to the C.R.T.B. on 12-8-1949. Another vital point is that the workshop and garage of the Petitioners are situated on this route i.e. on the Maidan Road side, whereas the third Respondent have theirs at Balmatta and second Respondent at Kadri 2 miles away from the Bus Stand in the opposite sector. Consequently the efficiency and the regularity of service along this route will be at the highest and the interests of the public cannot be served better by any other operator.

J. M. D'Andrade

8. The C.R.T.B. failed to appreciate that the Petitioners, inspite of their discouraging financial returns, have been running their service of three buses most efficiently and with a very good record to their credit. It will be in the interests of the public to grant them a fourth permit so as to enable them to minimise their loss and serve the public to advantage.

9. It was urged before the C.R.T.B. that the Petitioners came to possess their three bus permits after great and prolonged patience. They were allotted a controlled vehicle on 25-1-1947. A period of four years elapsed before they were successful in securing a second permit on 4-12-1950. They were allotted a second vehicle in April 1949 and this vehicle had to be kept idle for one and a half year till they secured the second permit on 4-12-1950, and they suffered considerable loss on this account. It will be noticed that for four years the Petitioners ran their bus as a single bus operator, and they maintained their service most efficiently and with remarkable regularity under very uneconomical conditions. The C.R.T.B. failed to realise the justice and equity of Petitioners claim to another permit and rejected their appeal in a most arbitrary manner.

10. It was brought to the notice of the C.R.T.B. that the Regional Transport Authority of South Kanara at its Meeting on 3-11-1952 adopted a very peculiar and significant procedure which left an apprehension in the minds of all the applicants that the members of the R.T.A. had prejudged the subjects and had arrived at foregone conclusions without paying any attention to the representations made to them. It will be noticed that the R.T.A. in considering Item No. 1. of its proceedings dated 3-11-1952 made a very significant remark about the claims of the second Respondent who was also an applicant in the said item No.1.

M K Shenoy

The R.T.A. therein observed that the Second Respondent is one among three others "who are large fleet owners, and they have a chance of being selected for other routes in todays meeting. The R.T.A. considers that normally large fleet owners should not be given a monopoly .....". And strangely enough, the second Respondent was really selected for the grant of a permit in a later item of that day's proceedings i.e. in Item No. 5., although he is a large fleet owner. This grant is now the subject matter of this revision.

11. It was also urged before the C.R.T.B. that the R.T.A. South Kanara contravened Sec.57 (4) of the M.V.Act in considering the application of the Second Respondent inspite of the latter's failure to make his representations in writing and his failure to furnish a copy thereof simultaneously to the other applicants under Sec. 57 (3). The C.R.T.B. did not apply its mind to this contention.

12. It is submitted that in the light of the above considerations the grant of the permit to the Second Respondent superseding the claims of the Petitioners is against all principles of justice equity and good conscience. It is humbly prayed that this Hon'ble Govt. may be pleased to set aside the order of the C.R.T.B. and grant the permit to the Petitioners and thus render justice to them.

13. The other appellant against this grant namely the 3rd Respondent herein, is also a big fleet operator with nine stage-carriage permits. And further the 3rd Respondent was also granted one permit by the R.T.A. at its said meeting of 3-11-1952. Consequently they donot have claims to a second permit at the same meeting, in quick succession.

14. The Petitioner prays that this Honourable Government may be pleased to set aside the order of the CRTB and grant the permit to Petitioners.

For THE METROPOLITAN [illegible] LTD.,
For THE CENTRAL T[illegible] SYNDICATE,
Managing Agents.

Partner / Manager.

Dated: 27-1-1953.

PETITIONERS.

Provincial.
~~Central.~~

ORIGINAL

(For instructions see reverse.)

Challan for payment of money into the ~~Huzur Treasury~~ Sub-Treasury at Mangalore

No. 740

By whom paid and name and address of the person on whose behalf money is paid.	On what account, with authority if any and head of account.*	Amount. Rs.	A.	P.	Monthly consecutive number assigned to the credit in the day-book. No.
THE NEDRAVALI FLOTILLA CO., LTD. River & Boat Transport Mangalore	Motor Vehicles - Revision Petition to Govt-Madras	50	-	-	
	Total (in words and figures	50	-	-	

Date 27 JAN 1953

Signature of Remitter.

Received Rupees

Huzur Treasury
Sub-Treasury
The 27 JAN 1953 19

Signature of Treasurer or Shroff.

Entered:

Signature of English Head Accountant.

Signature of Treasury Officer.

Taluk Head Accountant or Sarishtadar.

CANCELLED

50/-

* Head of account should be filled in by the Departmental Officer or Treasury. [P.T.O.

T. & A. 1 (a).

INSTRUCTIONS.

ಆಜ್ಞೆಗಳು

The receipt is not valid or binding on the Government unless—

I. In the case of payments in Huzur Treasuries it is signed (1) by the Huzur Treasurer and (2) by the English Head Accountant when the amount is under Rs. 500 and also (3) by the Treasury Deputy Collector when the amount is Rs. 500 or more.

II. And in the case of payment in Sub-Treasuries, (1) by the Shroff and (2) by the Taluk Head Accountant or Taluk Sarishtadar."

III. Receipts for cash or cheques paid for service stamps should be given in M.T.C. Form 5-A (T. & A. 85).

"I. ಹುಜೂರ್ ಖಜಾನೆಗಳಲ್ಲಿ ಪಾವತಿಮಾಡಿದ ಪಾವತಿಗಳ ಸಂಗತಿಯಲ್ಲಿ, (1) ಹುಜೂರ್ ಖಜಾನದಾರರಿಂದ ಮತ್ತು (2) ಮೊಬಲಗು 500 ರೂಪಾಯಿಗಿಂತ ಕಡಿಮೆಯಿರುವಲ್ಲಿ ಇಂಗ್ಲೀಷ್ ಹೆಡ್ ಅಕೌಂಟೆಂಟರಿಂದ ಮತ್ತು (3) ಮೊಬಲಗು 500 ರೂಪಾಯಿ - ಯಾ - ಅದಕ್ಕೆ ಮೀರಿ ಇರುವಲ್ಲಿ ಟ್ರೆಜರಿ ಡಿಪ್ಯೂಟಿ ಕಲೆಕ್ಟರಿಂದ ಸಹ ಸಹಿಮಾಡಲ್ಪಟ್ಟಿರಬೇಕು ಎಂತಾ,

II. ಸಬ್ ಟ್ರೆಜರಿಗಳಲ್ಲಿ ಮಾಡಿದ ಪಾವತಿಗಳ ಸಂಗತಿಯಲ್ಲಿ (1) ಖಜಾನೆಯಿಂದಲೂ, (2) ತಾಲೂಕು ಹೆಡ್ ಅಕೌಂಟೆಂಟ್ - ಯಾ - ತಾಲೂಕು ಶಿರಸ್ತೆದಾರರಿಂದಲೂ ಸಹಿಮಾಡಲ್ಪಟ್ಟಿರಬೇಕು ಎಂತಾ,

ಈ ರಸೀದಿಯು ಸಾಧುವಾದುದಾಗಿ - ಯಾ - ಗವರ್ನ್‌ಮೆಂಟಿನವರನ್ನು ಬದ್ಧವಡಿಸುವಂಥದಾಗಿ ಇರುವುದಿಲ್ಲ."

III. ಸರ್ವಿಸ್ ಸ್ಟ್ಯಾಂಪುಗಳಿಗಾಗಿ ಪಾವತಿಮಾಡಿದ ನಗದು - ಯಾ - ಚೆಕ್ಕುಗಳಿಗಾಗಿ ರಸೀದಿಗಳನ್ನು M.T.C. ಫಾರಂ 5 A (T. & A. 85) ರಲ್ಲಿ ಕೊಡತಕ್ಕದ್ದು.

15

PROCEEDINGS OF THE MEETING OF THE CENTRAL ROAD TRAFFIC BOARD HELD ON 10-1-1953 (Saturday.)

Item No. 4

Present 1. Sri P.C.Mathew, I.C.S. Chairman.
2. Sri T.D.Ramiah Pantulu, M.A., P.L. Member.

R.No.59144/A1/52 Dated 10-1-1953.

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sub; Appeal - stage carriages - Route Hampankatta to Levell via North Maidan Road etc. - Grant of permit to Sri M Sham Bhat by the Regional Transport Authoority, South Kanara.

Read; 1. Petition dated 20.11.1952 from the Netravathi Floitilla company Limited.
2. Petition dated 29.11.1952 from the Mangalore Automobile Limited.
3. From the Regional Transport Officer, Mangalore No.9255A1/52 dated 6.12.1952.

ORDER:

In this case, the Regional Transport Authority, South Kanara, granted a stage carriage permit on the route, Hampankatta to Levell in Mangalore Town service to the respondent in preference to two appellants. The two appellants have 3 and 8 permits respectively and the respondent 9 permits. All of them are already operating in the Town service. The 1st appellant claims preference on the ground that he has lesser number of vehicles than the respondent. We cannot agree that this gives him an overriding claim. The respondent has proved himself a reasonably efficient operator and we consider that the present grant is consistent with the public interests. We therefore dismiss both the appeals.

2.

P.C.Mathew,
Chairman.

To
1. The Netravathi Flotilla company Limited.
Bunder, Mangalore. (para 1 only)
2. The Mangalore Automobiles Limited,
care Sri N.G.Krishna Iyengar,
Advocate, T 95, T.P.Koil street, Triplicane, Madras. (para 1 only)
3. Sri M.Sham Bhat,
Sri Durga Parameswari Motor service,
Kadiri, Mangalore. (Para 1 only)
Copy to the Regional Transport officer,
Mangalore(in full with records by R.P.

/By order/
Superintendent.
15-1-53

s.a.1b.1.

DESPATCHED
16 JAN 1953

18

BEFORE THE GOVERNMENT OF MADRAS.

Home Department.

Rev. Petition. No. of 1953.

(Under M.V. Act)

Messrs. Netravati Flotilla Company. Petitioner

Versus.

C.R.T.B. Respondents.

Shree Bhat.

Mangalore Automobiles.

REVISION PETITION.

13272

C 1723

Mr. I.J.A. MENEZES,

Counsel for Petitioner.

17

1,002—18-12-52.

G. No. 33272 – Tr. II/53.)

HOME (TRANSPORT II) DEPARTMENT.

Memorandum No. 33272 Tr. II/53-1 dated 4. 3 : 1953.

Motor vehicles—Stage carriages/~~goods vehicles~~—Regional Transport Authority, S. Kanara – Ronta Hampankatta ~~Route~~ to Levell via North Main Road etc Permit refused by RTA – Appeal dismissed by ERTBD – Revision petition to Government.

Ref.—From The Nethravathi Flotilla Co., Ltd, Mangalore, revision petn., D 27.1.1953.

A copy of the petition cited is referred to the Secretary, Central Road Traffic Board, for parawar remarks which should be submitted with the connected records and history sheets of the operators concerned not later than 20.3.53

2. A copy of the petition cited is enclosed. Sri/~~Messrs.~~ M. Sham Bhat should submit his/~~their~~ representation, if any, against petition before 20.3.53 failing which it will be presumed that he/~~they~~ has/~~have~~ no representation to make and, orders will be passed accordingly.

3. Pending disposal of the revision petition cited, the operation of the order of the Central Road Traffic Board, R. No. _____, dated _____ setting aside the order of the Regional Transport Authority _____ and granting the permit on the route _____ to Sri/Messrs. _____ is hereby stayed.

To the Secretary, Central Road Traffic Board, Madras-8 (with a copy of pages 3–11 c.f.).

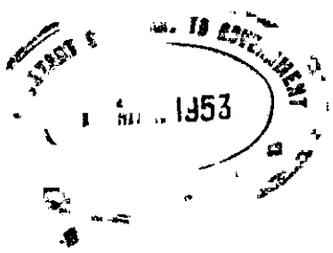
" Regional Transport Officer, Mangalore (with a copy of pages 3–11 c.f.)

Sri/~~Messrs.~~ M. Sham Bhat, Sri Durga Parameswari Motor Service, Kadiri, Mangalore (para 2 only) (with copy of Hr 3-11 ef) by R.P. (R.D. 21.3.53).

BEFORE THE GOVERMENT OF MADRAS

(HOME DEPARTMENT)

p19 ante



REF: MEMORANDUM NO.33272 TR.II/53-1 DATED 4th MARCH 1953.

. . . . .

Messrs. Netravati Flotilla Co.Ltd.,)
Bunder, Mangalore-1. ... .) ... Petitioner

VERSUS

1. The Central Road Traffic Board, Madras.
2. M. Sham Bhat, Proprietor Sri Durga Parameshwari Motor Service, Kadri, Mangalore-2.
3. Messrs:Mangalore Automobiles Ltd., Mangalore.

) ... Respondents.

55851 1/3

In response to the aforesaid Memorandum sent enclosing a copy of the Petition dated 27-1-1953 from the above mentioned Petitioner and in reply thereto, the abovenamed 2nd Respondent begs to make the following representation:-

1. The order of the C.R.T.B. is in accordance with the established policy of the Government and not at all contrary to the facts of the case or principles of justice and equity.

p3 ante

2. GROUND 2: The Petitioner is not correct in stating that he possesses just three unremunerative Stage Carriage Permits. He has other business also, including Steam Launch Services. The R.T.A. has correctly held that he is one of those who has got both remunerative and unremunerative services both in the city and the moffusil. The Petitioner became a Bus Operator about 6 or 7 years ago, and he was granted two permits to become a Fleet owner

M. Sham Bhat

within the last 2½ years. He was keen in getting those routes and competed with about 20 others, and was granted the permits depriving others of the same.(Vide proceedings of R.T.A.S.K. dated 28-5-1951 Item VI). Yet, after getting the said permits, he is putting forth grounds alleging that they are unremunerative, in order to deprive the just claims of this Respondent. On the other hand, this Respondent has been a Bus Operator for the last more than 25 years, and in spite of his requests this is the first fresh permit on new route given to him after 1947, though several old operators and new-comers have been granted several permits and the latter, like the Petitioner were made Fleet Owners also. There is no bar in this Respondent being granted the permit just because he is an Operator with nine Stage Carriage-Permits and Goods Vehicles. Still, it could be maintained that the transport authorities must have considered the Petitioner to be not safe to be trusted with the permit for this route, lest he might convert the route into a laboratory for his experiments, and one fine morning choose to surrender the same stating that it is also unremunerative and leave the travelling public in lurch.

3. GROUND 3 AND 8: This is also not tenable. It is the habit of the Petitioner to compete with others for permits, get permits depriving the others and later say that the routes became unremunerative, and they have suffered loss. Suffering loss is no ground for seeking for a fresh permit. On the other hand, the Transport Authorities must have rightly found out that the losses of the Petitioner must be due to inefficiency in operation and management and thus they were right in negativing his

claim. If the cause is thus correctly diagnosed, it is needless to state that the Petitioner does not deserve an additional permit like the one granted to this 2nd Respondent. It is denied that this Respondent has got highly remunerative routes, and the petitioner was ill-advised in seeking for a fresh permit to overcome his appalling losses. The C.R.T.B. has considered all these aspects.

4. GROUND NO.4: This ground is also devoid of substance. The Petitioner when owning one permit cried hoarse for grant of three permits to make him a Fleet Owner so that he could effect economies and run effeciently and make up his losses, and as soon as he got the third permit, has begun a slogan of five permits to reduce losses and to satisfy the alleged observation of the Government. It is no where laid so by the Government, nor will this reduce his losses as it is proved till now, nor is it a criterion to be taken into consideration under the provisions of the Motor Vehicles Act and Rules. Assuming for the sake of argument, this permit is granted to him, still it would not make him owner of five route permits, and hence there is no merit in this ground.

5. GROUND NO. 5: This is also not a proper ground and the premises is also wrong. It is not true that this 2nd Respondent is a member of a huge combine. Only as regards his moffussil routes of Stage Carriages he is a member of what is called a Combined Booking Agency, which makes common Booking of tickets, to afford facilities to the travelling public. He is operating

the buses and other vehicles by himself and there is no such combination of huge fleet operators as mis-represented by the Petitioner to gain his end. There is absolutely no monopoly of his for the routes. Especially the present route is a new route and this Respondent has been rightly preferred in view of his long experience of more than 25 years with a clean record of operation with great efficiency. The apprehensions suggested by the Petitioner are of his own imagination and not real.

6. GROUND NO.6: This is also a distortion of facts. Because of a Strike of Workers, buses could not be run in the District, as there was violence when the operators tried to run the services even with the help of the Police in order to help the travelling public. The strike was held to be illegal. There is no question of Monopoly involved. Some other operators ran their buses for some time no doubt and it is not the Petitioner alone.

7. GROUND NO.7: This ground is untenable and unsound. The C.R.T.B. took into consideration the public interest and not the private interest of the petitioner. It is not true that the houses of five of the Petitioner's Directors are on or near the route or the Ferry where their launches are, is as near as represented. Nor could this be a ground to be considered for favouring the Petitioner, with the permit. The Workshops and garage of the Petitioner are not at all situated on this route, but they are farther off at another place and route. If these things are to be considered as grounds, the Petitioner would not have merited the permits he has got,

is on or near the said routes where Workshops or Offices or houses of other applicants are, the others should have been granted the permits. The launches ply every half hour and any passenger can catch them by any bus.

pp 22-23 ante

pg ante

8. GROUND NO. 8: Vide with Ground No.3 supra.

ibid

9. GROUND NO. 9: If this is to be considered as a ground, this Respondent has been rightly preferred for reasons mentioned below. It is not correct to say that the Petitioner ran the services efficiently as could be made out by his own admissions to the contrary. He does not have a clean record of service. His permit was suspended for over-loading his bus MDX 2010 for two days, i.e. on 10-7-1952 and 11-7-1952. On the other hand, the Respondent has had a clean record of efficient service for the past more than 25 years. In fact, at one time the policy of this Government was that all bus operators with less than 25 buses forming a fleet should either sell their buses or merge with bigger operators as per G.O.M.S.1467 Home dated 7-5-1945. The Government also by G.O.R.No.1582 Home dated 16-7-1946 granted three months' extension of time to comply with the former G.O. and also transferred this Respondent's application to R.T.O. stating that he may be permitted to apply for new permits. The P.M.T.C. Madras also by his proceedings No.4794-47-A1 dated 11-2-1947 allotted to this Respondent 5 lease-lend vehicles for buses, two of which were lying idle for all these years, for want of route permits. Hence this was also represented before the Transport Authority , and they appreciated the hardships of this Respondent and were justified in granting

not pertys

not in file

V. Shanmukham

the permit.

10. GROUND NO.10: This again is a frivolous ground. The R.T.A. did not adopt any new or novel procedure that day as could be seen by going through all their decisions on all the items considered that day.

11. GROUND NO.11: This is a fallacy and misconstruction of Section 57 of the Motor Vehicles Act. The Section does not make it incumbent on every applicant to make his representation in writing but only lays down that if he does so, he should send a copy of the same simultaneously to other applicants. Hence it is respectfully submitted there has not been any breach of the provisions of the Act and Rules as is sought to be made out.

12. This Respondent respectfully submits that both the Transport Authorities have come to a concurrent opinion after hearing the representations, that the Petitioner does not deserve the permit asked for on Hampankatta - Lewell Route and this Respondent in view of his longstanding and useful service to the Public as well as efficiency, is preferable to the Petitioner from all points of view. No case has been made out either on facts or law as to upset their decision.

Under these circumstances, this 2nd Respondent humbly prays that after considering this reply, the Revision Petition of the Petitioner dated 27-1-1953 may be rejected and dismissed confirming the concurrent decisions of C.R.T.B. Madras and R.T.A.South Kanara.

MANGALORE
14th March 1953

M. Shamrao

2nd Respondent

Home (Tr II) dept.

Subd. for perusal of the representation of Sri Sham Bhat at pp. 21-26 above. ~~The~~ The receipt of the Board's report and records may be awaited. (RD. 21.3.53)

18.3.53 18/3/53 18.3.53

29

TRANSPORT DEPARTMENT.

From

Sri K. C. Nambiar, B.A.,
Regional Transport Officer,
Mangalore.

To

The Secretary,
Central Road Traffic Board,
Egmore, Madras (8)

Ref.C.No. 9255/52-A dated 17.3.53.

Sir,

Sub: Appeals - Stage Carriages - Hampankatta to Leevell via NorthMaidan Road - Permit granted to Sri Durga Parameswari Motor Service - Confirmed by Central Road Traffic Board - Revision petition to Government

Ref: 1. Central Board's proceedings R.No. 59144/A1/52 dated 10.1.1953

2. Govt. Memorandum No. 33272/Tr.II/53-1 Home dated 4.3.1953

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Kind reference is invited to this office report Ref.C.9255/52-A dated 8.12.1952 (copy enclosed) and Central Road Traffic Board's proceedings cited above. In its resolution item No. V dated 3.11.52 the Regional Transport Authority, South Kanara granted a permit on the above route to M/s. Sri Durga Parameswari Motor Service, Mangalore Two operators i.e the revison petitioner and M/s. Mangalore Automobiles Ltd., Mangalore had preferred appeals to CentralRoad Traffic Board against the decision of the Regional Transport Authority. Both these appeals were dismissed by the Central Road Traffic Board confirming the decision of the Regional Transport Authority, S.K. granting the permit to Sri Durga Parameswari Motor Service, M'lore. This revision petition is against the above mentioned orders of the Central Road Traffic Board.

My remarks on the revision petition are as follows:-

Para 1 - No remarks

A | Para 2 - All the three routes i.e. (i) Hampankatta to Urva Stores(Town) (ii) Mangalore to B.C.Road & (iii) Mangalore to Panemangalore operated by the revision petitioner are important remunerative routes.

Para 3 - If the company is working at a loss it may be due to inefficiency of management or top heavy establishment. The Regional Transport Authority or the Central Road Traffic Board cannot consider the profit and loss of a company as a criterian for granting permits. They can consider only the efficiency of the operator, the providing facilities to the public and workshop facilities.

Para 4 - No orders have so far been passed from the Government or Central Road Traffic Board raising the number of buses to be possessed by a fleet owner as 5.

C | Para 5 - There are no other buses on this route Hampankatta to Leevell. As such continous and uninterrupted service to the benefit of the public can be maintained only by a large fleet owner holding more spare buses.

Para 6 - No remarks

Para 7 - No remarks

Para 8 - The past record of the revision petitioners cannot be considered to be better than that of the grantee.

Para 9 - No remarks

Para 10 - There were seven town service routes for which permits were to be granted by the Regional Transport Authority at its meeting on 3.11.1952. A majority of the applicants were common for all the routes. The Regional Transport Authority had therefore decided to distribute the routes equitably so that none might be unduly prejudiced or granted a monoply in bus transport. Single bus operators who had to be made fleet owners of atleast 5 buses to maintain services economically in the interests of the public were given first preference and large fleet owners were selected for a few routes taking into consideration the interests of the travelling public the distances already served on the routes or sectors thereon by these fleet operators. Apart from these, the Regional Transport Authority had no other policy in the selection of operators.

Para 11 - It is not known what representations the grantee should have made.

Para 12 - The revision petitioner has not established any superior claim over the grantee.

Para 13- No remarks

The history sheets of the grantee and the revision petitioner together with my office files D.Dis. No. 6136/52-A containing 222 pages and R.No. 9255/52 containing 40 pages are submitted herewith.

Regional Transport Officer,
Manglore.
17.3.53

Copy submitted to
Secretary to the Govt.
Home Department
Fort St. George Gazette,
M A D R A S (direct)

A.B.P. / 17.3.53

Home Dept

Subd for perusal of the RTO's report at Pp 29-30 above. The report and records from the CRTO. may be awaited. (R.D. 23.3.53)

20.3.53 20/3/53

52

Copy of letter R.No. 9255/A/52 dated 6.12.52 of the RegionalTransport Officer Mangalore to the Secretary, Central Road Traffic Board, Egmore, Madras (8)

****

Sub: Appeal - Motor Vehicles - Stage Carriages - Hampankatta to Leevell via North Maidan Road - St. Ann's Convent, Rosario Church Road and Hoige Bazaar - grant of permit to Sri Durga Parameswari Motor Service, Mangalore Appeal.

Ref: Central Board's Endt. No. 59144/A1/52 dated 26.11.1952

****

Between

M/s. Nethravathi Flotilla Co.Ltd.
Bunder, Mangalore .. Appellant

Sri M. ShamBhat
Sri Durga Parameswari Motor Service, Mangalore Respondents

****

The Central Road Traffic Board in its proceedings R.No. 20497/B1/49 dated 21.7.1952 approved the proposal of the Regional Transport Authority South Kanara for the grant of a stage carriage permit on theabove route. Action under section 57(2) and (3) of the Motor Vehicles Act was taken Applications from 21 candidates ~~xxxxxx~~ were examined by the Regional Transport Authority at its meeting held on 3.11.1952 and it was decided to grant the permit to the respondent. The relative merits of the different applicants are given in the statement enclosed. A copy of the decision of the RegionalTransport Authority is also submitted.

My remarks on the appeal petition are given below:-

Paras 1 and II (1)(2)(3) - No remarks.

II 4(a) It is true that the appellant has a permit only for three routes though they are owners of 4 buses. One bus is a spare bus.

4(b) - No remarks

(5). There were seven routes forwhich permits were to be granted. Many were applicants for all the routes. The R.T.A. had therefore concluded that the routes should be equitably distributed so that ~~xxxx~~ none might be unduly favoured or unduly prejudiced. Operators who were yet to be made fleet owners of 3 buses should first be helped to do so in the interest of public, as well as in the interest of the operator. None should have a monoply of any route. These were the genral principles borne in the mind when considering the claims of the applicants. Apart from these general principles the R.T.A. had no forgone conclusions as to who should be preferred and who should not.

(6) The appellant has got 3 route permits - Hampankatta - Urva Stores(Town) (2) Mangalore - B.C.Road and (3) Mangalore - Panemangalore (Mufassil services) None of them are unremunerative. If they are working at a loss it might be due to inefficiencyof management or top heavy establishment. The R.T.A. was not concerned with the profit and loss of the company

(7) This is not denied. The respondent has also got an efficiently managed workshop

(8) No remarks

(9) No 20 is only a fleet owner of lorries and did not deserve to be considered for bus permits. Nos. 1, 4, and 11 who have also fleet owners have been granted permits on other routes. They have not been ignorned.

(10) This is becuase in the earlier items preferrence had to be given to single bus operators awaiting to be made fleet owners at the earlist opportunity.

(11) It is not known what representation the respondent should have made.

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IV - No orders have been passed yet as to every operator being made /~~ex~~fixt owner of 5 buses
a fleet

V. The appellant has not established his superior claim over the respondent

The history sheets of the appellant and the respondent, my office file R.No. 6136/52-A containing 204 pages are submitted herewith.

sd/ x x x x
Regional Transport Officer,
Mangalore

/True copy/

17.3.53
Regional Transport Officer
Mangalore

AEP/17.3

RR/17/3

[illegible] Bhat

Address: Prop., Sri Durga Parameswari Motor Service
Lalbagh, Bangalore

Brief particulars of qualifications/business etc.

Particulars of permits

Vehicle number	Route	Date of entry
MSC 5168	Yelahanka-Kunigal & MANCHARKAL	25.10.1954
MDX 686	Bangalore-Kanakapura	12.6.1954
MDX 861	Bangalore-Udipi via Maudakal	-do-
MDX 752	Bangalore-Hingalore	-do-
MDX 1057/1	Hanumanthanagar-Lorgan's gate	-do-
MDX 1052	M'Katta-Gulbarga	-do-
MSC 8237	M'Katta-Adoni	-do-
MDX 652	Spare bus	-do-
MSC 7907	Spare bus	-do-
MSC 8277	Bangalore-Kanakapura	4.3.1954
MSC 8567	M'Katta-Seevell	1-12-1954

Particulars of convictions

Date	Vehicle number	Offence	Particulars of conviction or other penalty etc.
19.11.49	MDX 1051 & MDX 1052	Failure to renew the temporary permit in time	P.No.10600/A/48. The company is severely warned. sd/ x x x R.T.A.(22.11.52)
	MDX 752	Non-adherence to schedule of time from 3.7.52 to 16.4.52	L.Dis.654/52-A. The company is severely warned. sd/ x x x R.T.A.(11.6.52)
20.6.52	MDX 1052	Overloaded by 8 passengers	Severely warned (P.No.4978/52) sd/ M.Ayder Ali Khan R.T.O., Bangalore(19/9/52)
	MDX.1052	Overloading the vehicle (Contravention of rule 218(1) of M.V.Rules)	Conductor & Licensing clerk- holder of badge No. 781 was fined Rs.10/- by D.D.M., Bangalore in C.C. no.70/52 d/ 28-2.52 (J.No. 4018/52) sd/ x x x (30.9.52)

/True copy/

C.No.6875/52-MSC 5168 Late-Payment of tax for Q.E. 31.3.52 & 31.12.52 Tax paid on 9.1.52 & 8.10.52 respectively

Permit-holder issued a warning D.O.No. 1500/MV52 dt. 17.3.53

Regional Transport Officer
Bangalore

Contd../ 6.12

ABH
12.3

PERMIT HOLDERS - HISTORY CARD.

Name .. M/s. Nethravathi Flotilla Co.Ltd.

Address:. Mangalore

Brief particulars of qualifications/buisness, etc. .. Bus operators

PARTICULARS OF PERMITS.

Vehicle No.	Route	Date of expiry
MDX 2010	Hampankatta to Urva Stores	27.5.1954
MDX 1893	Mangalore to Panemangalore	8.6.53
MDX 1116	Mangalore to B.C.Road	9.5.53
MDX 1547	Spare bus	24.10.1953

Record of offences.

Date	Vehicle No.	Offence	Particulars of conviction or other penalty etc.
16.2.52	MDX 2010	Overload by 5 passengers	Permit suspended for two days on 10.7.52 and 11.7.1952 (R.No. 1755/52)
2.7.1952	MDX 1547	Not keeping and non-production of the Regn. Certificate of the vehicle to the M.V.I. at the time of check on 12.6.52 near Farangipet	L.Dis. 4751/52 Operator warned sd/ x x x R.T.O., M'lore
	MDX 2010	Overloading the vehicle (Contravention of Rule 218(i) of M.V.Rules	Conductor Charles Corea (Badge No. 1063) was fined Rs.10/- on 25.2.52 in C.C.76/52 of J.S.M. M'lore (C.No. 4018/52-D) sd/ x x x R.T.O. 30.9.52)
8.7.52	MDX 1116	Irregular performance of trips	Severely warned. (C.C.No. 5780/D/52) sd/ x x x R.T.O., M'lore (8.12.52)
16.9.52	MDX 1116	No stepney in the vehicle	Severely warned (C.No. 9159/D/52 d/ 15.12.52) sd/ x x x R.T.O., Mangalore(23.12.)

/True copy/

17.3.53
Regional Transport Officer,
Mangalore

AEP/17.3

ABS 17/3

37

C.F. 32—10,59,181—3-11-49.

From (Name) Sri Syed Ahmed, I.A.S. Department

Designation Secretary, Central Road Traffic Board, Egmore, Madras.

Station

Received ____ Registered ____

To

The The Secretary to Government, Home department, Madras. (with encl.)

Enclosures: Letter No. 12936/A1/53. dated 20-3-1953. 195 .

Sir,

sub; Motor vehicles - Stage carriages - Regional Transport Authority South Kanara route Mampangatta to Lewell (via) North Maidan Road etc Permit refused by the Regional Transport Authority Appeal dismissed by the Central Road Traffic Board - Revision petition to Government. - Remarks and records submitted.

ASSISTANT SECRETARY TO GOVERNMENT 24MAR 1953

Ref; Government Memo No.33272/Tr.II/53-1 Home dated 4-3-53 .

...

The Regional Transport Authority South Kanara at its meeting held on 3-11-1952 granted a stage carriage permit to Sri M.Sham Bhatt (the respondent herein) on the route Mampangatta to Lewell. Against this order 2 of the unsuccessful applicants, including the petitioner herein, preferred appeals to this Board. The appeals were heard at the meeting held on 10-1-1953. For the reasons set out in its proceedings at page 61 of the file enclosed the Board confirmed the grant made by the Regional Transport Authority and dismissed the appeals. The following parawar remarks are submitted on the revision petition.

Para1. No remarks are calle for.

paras 2-4; There is no stautory bar against grant of further permits in suitable circumstances to fleet owners and the petitioner's claim that he should have been preferred, since he is at present operating three buses on unremunerative routes, is not tenable, as permits cannot be granted on considerations of the individual interests of the applicants.

Para 6; The contention of the petitioner that the grant of the permit to a fleet owner would encourage monopoly and prove detrimental to the interests of the small operators and the larger interests of the public, is not acceptable. The Regional Transport Authority was satisfied that the respondent was likely to provide a satisfactory service to the public on this route and the Central Road Traffic Board saw no reason to disagree with the Regional Transport Authority.

Para 7; Both the petttioner and the respondent are operating buses in Mangalore, Town and therefore both of them have the necessary facilities. The petitioner failed to convince the Regional Transport Authority and the Central Road Traffic Board, how his claims were superior to those of the respondent.

Para 8;and 9; Call for no remarks.

Para 10. There is nothing wrong with the Regional Transport Authority considering the question of grant of the permits in the Town service at one time, and arriving at a decision with regard to the persons to whom the different permits should be granted.

11.

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Para 11; It is not mandatory that an applicant should make written representation under section 57(4) of the Act.

Paras 12-14; No remarks are called for.

The records D.Dis.59144/52 (containing 64 pages) are submitted herewith.

(F)

21/2/23

s.a.21.3.

for Secretary. 23/3

C.No.33272-Tr.II/53.

Home (Tr.II) department.

G.O.R.No. 1115 dated 1.4.53.

M.Vs. - Stage carriages - R.T.A., South Kanara - Route Hampankatta to Levell via North Maidan road etc. - Permit refused by R.T.A. - Appeal dismissed by C.R.T.Bd. - Revision petition to Govt. - Rejected.

Read: (1) From the Netravathi Flotilla Co., Ltd., Mangalore, revision petition, d/27.1.53.
(2) From Sri M.Sham Bhat, representation, dated 14.3.53.
(3) From the Secretary, C.R.T.Bd., No.12936/A1/53 dated 20.3.53.

ORDER:

The R.T.A., South Kanara, at its meeting held on 3.11.52, granted a pucca stage carriage permit on the route Hampankatta to Levell, via North Maidan road, St.Ann's Convent, Rozario Church Road and Hoige Bazaar to Sri M.Sham Bhat, Proprietor, Sri Durga Parameswari Motor Service, in preference to twenty other applicants including the petitioners herein. Against this order the petitioners herein and another appealed to the C.R.T.Bd. The C.R.T.Bd., at its meeting held on 10.1.53, dismissed the appeals. Against this order the petrs. have come up to the Govt. in revision.

2. The Govt. have examined the case with ref. to the rev. petn. cited, the connected records, the representation of the respondent and the history sheets of the petrs. and the ~~respondent concerned.~~ and the C.R.T.Bd. ~~The R.T.A., South Kanara~~ are ~~agreed in this case.~~ The history sheet of the respondent is much better than that of the petitioner. The C.R.T. Bd. has stated that the respondent has proved himself an efficient operator and has considered that the present grant is consistent with public interest. The Govt are not convinced that the petrs. have better claims for the permit in question than the respondent. The Governor of Madras therefore declines to interfere

1.4.1953

To the Secy., C.R.T.Bd.
(with records at (F)
To the R.T.O., Mangalore
,, Netravathi Flotilla Co thro' Sri L.J.A .Menezes, 117, Armenian St., G.T., Madras
,, M.Sham Bhat, Proprietor, Sri Durga Parameswari Motor Service, ~~Kudri~~ Kadre, Mangalore.

C.No.33272-Tr.II/53.

Home (Tr.II) department.

Memorandum No. dated

M.Vs. - Stage carriages - R.T.A., South Kanara - Route Hampankatta to Levell via North Maidan road etc Permit refused by R.T.A. - Appeal dismissed by C.R.T.Bd. - Revision petition to Govt.

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Ref: From the Netravathi Flotilla Co., Ltd., Mangalore revision petition, dated 27.1.53.

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The petitioner is requested to state not later than 1.3.53, the date on which he received the appellate order of the C.R.T.Bd. ~~in the case cited~~ cited against which the revision petition has been preferred to Govt and to produce ~~in evidence~~ the postal envelope in which the appellate order referred to above was received ~~in question.~~

20/2/53

20/2/53

To the Netravathi Flotilla Co., Ltd. through Sri L.J.A.Menezes, Advocate, No.117, Armenian St., G.T., Madras

(R.D. 2.3.53)

Note: In this case, the order of the C.R.T.Bd. was despatched on 16.1.53 but the revision petition against that order was received only on 17.2.53. More than thirty days have elapsed since 16.1.53 and the revision petition will have to be considered time-barred even taking the next day, i.e., 17.1.53 as the date of receipt by the petr. of the appellate order of the Central Bd. In the circumstances, it seems necessary to ascertain from the petr. in the first instance the date on which he received the appellate order and to ask him to produce the postal envelope in which he received that order. ~~evidencing the date of receipt by him of~~ Subject to orders, the draft memo. submd. above is for approval.

20/2/53 20/2/53

He could not receive the order earlier than 18.1.53 The petn. is in time. Examine quickly on the merits

21/2/53

Abstract of the case.

District:	South Kanara
Route:	Hampankatta to Levell via North Maidan road etc.
Order of R.T.A.	Granted permit to Sri M. Sham Bhat
Order of C.R.T.Bd.	Dismissed appeal.
Petition before Govt.	From the Netravathi Flotilla Co., Ltd. to set aside the grant of permit and award it to them.

This is a case of revision petition against the appellate order of the C.R.T.Bd. at p.15 c.f. The petition is in time and the prescribed fee has been paid. The facts of the case as gathered from the petition are as follows:

2. The R.T.A., South Kanara, granted a stage carriage permit on the route Hampankatta to Levell in Mangalore Town Service to Sri M.Sham Bhat. Against this order, the petitioner and another appealed to the C.R.T. Bd. The Bd. at its meeting held on 10.1.53, dismissed the appeals. It is against this order that the petr. has come up to the Govt. in revision.

3.(i) The petr. contends that the C.R.T.Bd. ought not to have preferred the respondent who is a rich fleet operator possessing nine stage carriage permits and seventeen goods vehicle permits as against the petrs., who possess just three unremunerative permits.

In its order on p.15 c.f., the Central Bd. has observed that the petr. and the respondent are having three and nine permits respectively, that all of them are operating in the Mangalore Town Service and that it cannot agree that the fact of the petr. having only three permits entitles him to any overriding claim over the respondent.

p 154

The petitioner is already an economic fleet owner having three buses. He cannot claim preference on the ground that his existing three permits are unremunerative. If the existing permits of the petr. are unremunerative, it is open to him to surrender them and apply for permits on other routes which are remunerative according to him. According to the

not pertinent

High Court's judgment in W.Ps. No. 333/1951 etc. on its file the public interest and not individual interests should be the criterion for the grant of permits.

(ii) It is contended that the respondent, besides having nine stage carriage permits and seventeen public carrier permits, is also a member

para 5, p 5 of

of the Combined Agencies which is a combination of huge fleet operators, that he pools his collections with that of the other members of the combined agency and that thus the respondent controls the entire trade and holds a grip on the motor industry to the detriment of the small operators and against the larger interests of the public.

cf. p. 154 of

The respondent as an individual operator has only nine stage carriage permits. The fact of his having seventeen public carrier permits besides the nine stage carriage permits does not affect the grant of further stage carriage permits to him. Further the contention regarding the respondent being one of the shareholders in another concern has not been supported by records etc.

The Contention is not relevant in view of the High Ct judgment referred to above. JJ

(iii) It is urged that the route in question lies alongside the residences and places of business of five of the Directors of the petr's company. It is also claimed that the workshop and garage of the petr. is on the route whereas the respondent's workshop

para 7, p 7 of

4/

is two miles away from the Bus stand. ~~in the opposite sector.~~

The part of the route lying alongside the residences of some of the Directors' of the petr's company cannot entitle the petr. to preferential treatment. Further, the respondent who is having as many as nine permits will be in a better position to attend to breakdowns etc. in view of the larger fleet he is operating in the Town Service though he may be having his workshop two miles away.

(iv) It is stated that the petr. started business with one bus in 1947, that a period of four years elapsed before he got another permit and that during these years he had to keep one bus idle and has incurred heavy loss. Para 9, pg 4

These considerations are not germane to the issue of permits and consequently do not deserve any consideration.

(v) The petr. states that, at the ~~xx~~ meeting of the R.T.A., the members were prejudiced in favour of the respondent which is significant from the remarks of one member who stated that the respondent is likely to be selected for other routes in that day's meeting. Para 10, pg 9-11 of 4

Even ~~xx~~ granting that the chance remark of the R.T.A. could be construed in the manner suggested, the petr. cannot claim any overriding consideration on that ground alone.

4. Neither the R.T.A. nor the C.R.T. Bd. selected the petr. for the grant of the permit in question. Also he is already an economic fleet owner with three permits. The Central Board has observed that the respondent has proved himself a

reasonably efficient operator and considered that the present grant is consistent with the public interest. The petr. does not appear to have raised any valid contentions meriting interference. For orders whether the petition may be rejected summarily.

5. May be circulated to M (I & L)

28.2.53 28/2/53 The R.T.A & the C.R.T.B are agreed & the petitioner has not made out a case for interference by Govt. The petition may be rejected summarily

28.2.1953

J.S

Let us examine the case with reference to the history sheets. A three Permit holder can be preferred to a nine permit holder ordinarily. pl call for records & remarks.

V.D 20

3.3.53 3/3/53 4/3/1953

Draft memo. submitted.

(Issued as Memo. No. 33272 Tr II/53-1, Home, dt 4.3.53)

M 19 ff
M 21-26 ff. From Sri M. Sham Bhat, representation, dt 14.3.53)

6

From the Secretary, C.R.T. Bd., No. 12936/A1/53, dated 20.3.53 — p37 of.

Abstract of the case

District: South Kanara.

Route: Hampankatta to Levell via North Maidan Road etc.

Order of RTA. Granted permit to Sri M. Sham Bhat — p11 of (F)

Order of C.R.T.Bd. Dismissed appeal — p61 ibid

Petition before Court. From the Netravathi Flotilla Co., Ltd. to set aside the CRT para 14, Bd's order ~~grant of permit~~ and to amend the p11 of permit to them.

This is a case of revision petition against the appellate order of the CRTBd. at p15 of. The petition is in time and the prescribed fee of Rs. 50/- has been paid. The connected records of the CRTBd. are at (F) and its report is at pp 37-38 of. The R.T.O's remarks are at pp 29-30 of and the representation of the respondent is at pp 21-26 of. The history sheets of the ~~petnr and~~ the respondents and the petr's are at pp 33-35 of respectively. ~~The facts~~ A sketch of the route is at p57 of (F). The facts of the case are as follows:— — p13 of

2. The RTA., South Kanara, at its meeting held on 3.11.52 granted ~~considered the question of granting~~ a puccca stage carriage permit ~~for one bus~~ on the route Hampankatta to Levell, via North Maidan Road & ~~St. Ann's Convent, Rozario Church Road and Hoige Bazaar and selected~~ granted the permit to — p11 of (F)

Sri

(Proprietor, Sri Durga Parameswari Motor Service,)
Sri M. Sham Bhat, in preference to twenty other applicants including the petrs. herein. Against this order, the petrs. and another appealed to the C.R.T.Bd. The C.R.T.Bd. at its meeting held on 10.1.53 dismissed the appeals. It is against this order that the petrs. have come up to the Govt. in revision.

p61 of (F)

3. (i). The petrs. contend that the CRTBd. ought not to have preferred the respondent who is a rich fleet operator possessing nine stage carriage permits and seventeen goods vehicle permits as against the petrs who possess just three remunerative permits.

para 2, p30 of

The RTO. has stated that all the three routes operated by the petrs are important remunerative routes. The Central Board has stated that there is no statutory bar against grant of further permits in suitable circumstances to fleet owners, and

A. p29 of

B. p37 of

that the petrs cannot claim preference on the ground that they are at present operating three buses on unremunerative routes as permits cannot be granted on considerations of the unavowed interests of the applicants. The Bd's view is in consonance with the High Court's ruling in W.P. No. 3330-1951 etc.

(ii) The petrs. also contend that the respondent besides having nine stage carriage permits and seventeen public carrier permits, is also a member of the Combined Agencies which is a combination of huge fleet operators, that he pools his collections with that of other members of the Agency and that the respondent thus controls the entire trade and holds a grip on the motor industry to the detriment of small operators and against the larger interests of the public.

para 5, p5 of

The RTO. states that there are no other buses on the route in question and that continuous and uninterrupted service to the benefit of the public can

C. p29 of

cars be maintained only by a large fleet owner holding more spare buses.

The respondent as an individual operator of 61 (F) has only nine stage carriage permits. The fact of his having seventeen public carrier permits besides the nine stage carriage permits does not affect the grant of further stage carriage permits to him. Further the contention that the respondent is one of the shareholders in another concern has not been supported by records. This contention is not relevant in view of the High Court's judgment in W.P. No. 333 of 1951 etc.

(iii) The petrs. further contend that the route in question lies alongside the residences and "places" of business of five of the Directors of the petrs' company; and that the workshop and garage of the petrs. is on the said route whereas the respondents' workshop is two miles away from the bus stand. para 7, p 7 of

The CRTBd has stated that both the petrs and the respondent are operating buses in Bangalore town and therefore both of them have the necessary facilities and that the petrs. failed to convince the RTA and the CRTBd how their claims were superior to the respondent. D, p 37 of

The fact of the route lying alongside the residences of some of the petrs' company cannot entitle the petrs to any preferential treatment. Further the respondent who is having as many as 'nine' permits will be in a better position to attend to breakdowns etc in view of the larger fleet he is operating in the Town Service though he may be having his workshop two miles away.

P. T.O.

(iv) It is claimed that the petrs. started business with one bus in 1947, that a period of four years elapsed before they got another permit and that during these years they had to keep one bus idle and ~~had~~ have incurred heavy loss.

para 9. p9 cf

These considerations are not germane to the issue of permits and consequently do not deserve any consideration.

(v) It is urged that at the meeting of the RTA the members were prejudiced in favour ~~with the~~ of the respondent which is significant from ~~the statement of~~ ~~one of the members~~ who stated that the respondent ~~was~~ is likely to be selected for other routes in that day's meeting.

para 10, pp 9-11 cf

On the date of the meeting of the RTA the agenda included grant of permits on seven town service routes in which a majority of applicants ~~were~~ (applied ~~for permits on~~) all the routes. The RTA decided to distribute the routes equitably so that none might be unduly prejudiced or granted a monopoly on any of the routes. The RTA selected operators taking into consideration the interests of the travelling public, the distances already covered on the routes or sectors by these operators etc. ~~There~~ There is nothing wrong with the RTA considering the question of the grant of the permits in the Town Service at one time and arriving at a decision with regard to the persons to whom the different permits should be granted.

K p30 cf

M. p37 cf

Even granting that the chance remark of the member of the RTA could be construed in the manner suggested, the petrs. cannot claim any overriding consideration on that ground alone.

4. Neither the RTA nor the CRTBd. selected the petrs for the grant of the permit in Question. Also he is already an economic fleet owner with three permits. The Central Bd. has observed that the respondent has proved himself a reasonably efficient

cp p15 cf

efficient operator and considered That The present grant is consistent with public interest. Even on The ground of history sheet The petrs do not stand a good chance as their history sheet at p35 of is comparatively bad. The petrs. do not appear to have raised any valid contentions ~~meriting~~ meriting interference. It is open to them to surrender their existing permits if they are unremunerative.

5 May be circulated to M(I&L) for orders whether The petition may be rejected.

27.3.53

The R.T.A & the CRTB are agreed on p15 of in this case. The history sheet of the respondent is much better than that of the petitioner. Every one of the Contentions of the petitioner has been met in the O.N. above. The petition may be rejected.

J Jayaram Rao
28.3.1953

I support the decisions of RTA & CRTB for reasons mentioned by them.
I Reject the petition
M Krishna Rao
30/3/53

V Hanumantha Rao
28-3-53

M(I&L) 30/3/53

SECRETARY TO GOVERNMENT
30 MAR 1953
HOME DEPARTMENT

Draft order submitted.

31/3/53 1/4/53 1.4.1953

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JOINT SECRETARY TO GOVERNMENT
30 MAR 1953
HOME DEPARTMENT

(Issued as GoR No. 1115, Home, dt 1.4.53)